United Nations A/67/507–S/2012/754

General Assembly
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**General Assembly**
**Sixty-seventh session**
Agenda items 34, 39 and 83

**Security Council**
**Sixty-seventh year**

**Protracted conflicts in the GUAM area and their implications for international peace, security and development**

**The situation in the occupied territories of Azerbaijan**

**The rule of law at the national and international levels**

## Letter dated 9 October 2012 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General

In accordance with instructions received from the Government of the Republic of Azerbaijan, I have the honour to inform you that the Republic of Armenia is taking steps to operate Khojaly Airport in, and illegally use the airspace over, the territory of the Republic of Azerbaijan currently occupied by the Armenian armed forces. Recently, the Republic of Armenia, through its subordinate separatist regime in the occupied territory of Azerbaijan, has established the so-called "Artsakh Air Company" and manifested its intention to operate flights, including military ones, into and from Khojaly Airport (referred to by the Armenian side as "Stepanakert Airport"). Such attempts clearly display a manifest disregard for international law, undermine the peace process and aggravate regional security concerns.

In its resolutions 822 (1993), 853 (1993), 874 (1993) and 884 (1993), adopted in response to the illegal use of force against Azerbaijan and the occupation of its territories, the Security Council reaffirmed both the sovereignty and territorial integrity of Azerbaijan and the inadmissibility of the use of force for the acquisition of territory. It has further demanded the immediate, complete and unconditional withdrawal of the occupying forces from all the occupied territories of Azerbaijan. The General Assembly, in its resolution 62/243, and other international organizations have adopted a similar position.

The illegality of the separatist entity and its structures, set up by Armenia in the occupied territory of Azerbaijan, has been repeatedly stated at the international level. This entity is entirely unrecognized as such. It is under Armenia's direction and control.

The Government of the Republic of Azerbaijan wishes to inform the States Members of the United Nations that the so-called "Stepanakert Airport" is not an



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approved aerodrome under the legislation of Azerbaijan, nor is it a designated Customs airport in accordance with the Convention on International Civil Aviation. Consequently, all flights operated from and into that airport are illegal and violate the foundational principles and objectives of the International Civil Aviation Organization, constituting a flagrant violation of the Convention on International Civil Aviation, to which both Armenia and Azerbaijan are parties, in particular its articles 1, 2, 5, 6, 10-16, 24 and 68, which recognize that every State has complete and exclusive sovereignty over the airspace above its territory and spell out the fundamental principle inherent in such sovereignty, according to which no international air services of any kind for the purpose of taking on or discharging passengers, cargo or mail may be operated over or into the territory of a contracting State, except with special permission or other authorization by that State. Since the Republic of Azerbaijan, acting in the exercise of its sovereign right, has closed the airspace over its territory currently occupied by the Armenian armed forces for any aviation operations, no flight into or from the so-called "Stepanakert Airport" is authorized.

Having regard to the above-mentioned resolutions of the Security Council and the General Assembly, by which all States are called upon to respect and support the sovereignty and territorial integrity of the Republic of Azerbaijan within its internationally recognized borders, the Government of the Republic of Azerbaijan requests that all countries take note of the illegal nature of the attempt by Armenia and its subordinate separatist regime in the occupied territory of Azerbaijan to operate the so-called "Stepanakert Airport" referred to above and, in compliance with the above-mentioned United Nations resolutions and the relevant provisions of the Convention on International Civil Aviation, take all necessary measures so that their designated carriers and all other airlines registered and licensed by them refrain from operating any air services, whether scheduled or non-scheduled, to the so-called "Stepanakert Airport" and from having any dealings whatsoever with the so-called "Artsakh Air Company".

It is clear that the unauthorized overflight of a State's territory by aircraft belonging to, or under the control of, the Government of another State directly infringes the principle of respect for territorial sovereignty and entails responsibility under international law. In this regard, the Republic of Azerbaijan reserves its right to take all measures necessary, in accordance with international law, to prevent the illegal use of its airspace, as well as to take any other appropriate legal actions against any foreign entities or its agents that try to enter into contract with and/or perform operations in relation to the functioning of the so-called "Stepanakert Airport".

I should be grateful if you would have the present letter circulated as a document of the General Assembly, under agenda items 34, 39 and 83, and of the Security Council.

(*Signed*) Agshin **Mehdiyev**
Ambassador
Permanent Representative

United Nations A/67/508–S/2012/755

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Security Council

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**General Assembly**
**Sixty-seventh session**
Agenda item 43
**Question of Cyprus**

**Security Council**
**Sixty-seventh year**

## Letter dated 8 October 2012 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a letter dated 5 October 2012 addressed to you by Mr. Hilmi Akil, Representative of the Turkish Republic of Northern Cyprus (see annex).

I would be grateful if the text of the present letter could be circulated as a document of the General Assembly, under agenda item 43, and of the Security Council.

(*Signed*) Ertuğrul **Apakan**
Ambassador
Permanent Representative

12-54404 (E) 161012

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## Annex to the letter dated 8 October 2012 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

Upon instructions from my Government, I have the honour to refer to the letter dated 17 September 2012, addressed to you by the Greek Cypriot representative and circulated as a document of the General Assembly and the Security Council (A/66/909-S/2012/716), which yet again contains the usual allegations of violation of "international air traffic regulations and the national airspace of the Republic of Cyprus", and to bring to your kind attention the following.

In response to such pretentious claims, I wish, once again, to reiterate that flights inside the sovereign airspace of the Turkish Republic of Northern Cyprus take place with the full permission and knowledge of the relevant authorities of the State, over which the Greek Cypriot administration in South Cyprus has no jurisdiction or right of say whatsoever. It must be stated that assertions of so-called abuses of air traffic regulations are invalid, as the civil aviation authority of the Turkish Republic of Northern Cyprus is the only competent authority to provide air traffic and aeronautical information services within its own national airspace.

As noted in our previous letters, such assertions are based on the false and illegal claim that the sovereignty of Greek Cypriot administration extends over the whole island, including the territory and national airspace of the Turkish Republic of Northern Cyprus. This pretentious contention by the Greek Cypriot side ignores the present realities on the ground, namely, the existence of two independent, self-governing States on the island of Cyprus, each exercising sovereignty and jurisdiction within its respective territory.

Continuous attempts by the Greek Cypriot side, through often-repeated false claims, to confer legitimacy upon an illegal administration will be futile since the Turkish Cypriot people will never give in to their unjust demands. What would indeed be conducive to a better atmosphere on the island would be for the Greek Cypriot side to stop misappropriating for itself the rights and responsibilities it does not legally have, and to cease its hostile and derogatory acts against the Turkish Cypriot people.

Moreover, the Greek Cypriot administration should be reminded that its counterpart is, and has always been, the Turkish Cypriot side, not Turkey, and that its insistent denial of the Turkish Cypriot rights in the North of the island does not bode well for the prospects of finding a lasting settlement of the Cyprus conflict in line with the established United Nations parameters, namely a partnership based on a bi-zonal, bi-communal federation with the political equality of the two Constituent States.

I would like to put on record once again that despite the Greek Cypriot leadership's apparent lack of enthusiasm for compromise and its denial of the equal partnership rights of the Turkish Cypriots on the island, the Turkish Cypriot side is ready and doing its best, under the auspices of the Secretary-General, to achieve a just settlement in the form of a new partnership.

I should be grateful if the text of the present letter could be circulated as a document of the General Assembly, under agenda item 43, and of the Security Council.

(*Signed*) Hilmi **Akil**
Representative
Turkish Republic of Northern Cyprus

United Nations A/67/509

General Assembly

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10 October 2012

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**Sixty-seventh session**
Agenda item 8
**General debate**

## Letter dated 2 October 2012 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the President of the General Assembly

I have the honour to enclose herewith the text of the written statement of the delegation of the United Kingdom in exercise of the right of reply to the remarks made by the Minister for Foreign Affairs, Regional Integration and International Trade of Mauritius, Arvin Boolell, on 1 October 2012 in the General Assembly (see annex).

I should be most grateful if you would arrange to have the text of the present letter and its annex circulated as a document of the General Assembly, under agenda item 8.

(*Signed*) Mark **Lyall Grant**
Ambassador
Permanent Representative

12-54220 (E) 121012

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## Annex to the dated 2 October 2012 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the President of the General Assembly

The British Government maintains that the British Indian Ocean Territory is British and has been since 1814. It does not recognize the sovereignty claim of the Mauritian Government.

The British Government values its close and constructive cooperation with the Government of Mauritius on a wide range of issues and would like this to include a more constructive dialogue on British Indian Ocean Territory.

United Nations A/67/510

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Agenda item 8
**General debate**

## Letter dated 1 October 2012 from the Permanent Representative of Serbia to the United Nations addressed to the President of the General Assembly

I have the honour to enclose herewith a statement of the delegation of Serbia in exercise of the right of reply to the statement delivered by Bujar Nishani, President of Albania, on 27 September 2012 at the general debate of the sixty-seventh session of the General Assembly (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the General Assembly under agenda item 8.

(*Signed*) Feodor **Starčević**
Ambassador
Permanent Representative

12-54236 (E) 121012

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## Annex to the letter dated 1 October 2012 from the Permanent Representative of Serbia to the United Nations addressed to the President of the General Assembly

## Statement of the delegation of Serbia in exercise of the right of reply to the statement delivered by the President of Albania on 27 September 2012 in the general debate of the General Assembly at its sixty-seventh session

Bujar Nishani, President of the Republic of Albania, delivered his statement in the general debate of the sixty-seventh session of the General Assembly on 27 September 2012.

In his statement he said, inter alia, that the "establishment of the independent State of Kosova five years ago has turned into an important factor of peace and stability in the south-east European region".

According to the most recent report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo (S/2012/603), submitted to the Security Council pursuant to resolution 1244 (1999), there is increased tension on the ground. Acts of vandalism and religious intolerance continue. Threatening letters, signed by a group calling itself the Albanian National Army, demanding that Kosovo Serbs leave, were found in Kosovo Serb villages. It is also very well known that in Kosovo and Metohija there is absolutely no respect for basic human rights and that Serbian and other non-Albanian people live in constant fear for their lives and their property.

Is this a picture of a democratic state and multi-ethnic society? Furthermore, the true sign of peace and stability in the Southern Serbian Province, under the interim United Nations authority, is the constantly decreasing number of individual voluntary returns. One should also be reminded that 230,000 Serbs from Kosovo and Metohija remain forcefully displaced from their ancestral homes.

A more appropriate assessment of the situation than in the words of the President of the Republic of Albania "that the Republic of Kosova reached another level of state consolidation with the ending of the supervised phase of the independence by the international community" could be found in the report of the Secretary-General that "the ultimate success and efficiency of the collective international effort would be better served by a common understanding of the tasks still at hand in order to avoid any premature disengagements".

Peace and stability and democratic and multi-ethnic society could not find a relevant basis in a unilateral act such as the unilaterally declared independence by Kosovo provisional authorities. A lasting, sustainable and mutually acceptable solution for all problems can be reached only through dialogue. The Republic of Serbia is ready to participate constructively in this process. This process is the key element of peace, stability and progress in the south-east European region.

The President of the Republic of Albania also stated that the International Court of Justice "clearly ruled that the independence of Kosova was in conformity with international law". The Court actually only said that since there is no explicit prohibition of declarations of independence in general international law, there is no explicit violation of that law, but did not imply that the unilateral secession is legitimate or that Kosovo became, through it, an independent State. As a matter of fact, the formulation of paragraph 56 of the advisory Opinion makes it clear that the Court did not actually pronounce itself on the merits of the case.

United Nations A/67/511

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**Sixty-seventh session**
Agenda item 53
**Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories**

# Work of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

## Report by the Secretary-General*

1. The present report is submitted pursuant to General Assembly resolution 66/76.

2. In line with paragraph 8 of resolution 66/76, the Secretariat continued to provide the necessary facilities and staff to support the work of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories. The Special Committee was directly supported in the fulfilment of its mandate by the Office of the United Nations High Commissioner for Human Rights, the United Nations Relief and Works Agency for Palestine Refugees in the Near East, the United Nations Information Centre in Cairo, the Department of Safety and Security, the Department of Public Information and offices of the United Nations Resident Coordinators in Egypt and Jordan. In addition, the Special Committee engaged with the United Nations Children's Fund, the Office for the Coordination of Humanitarian Affairs, the World Health Organization and the United Nations Entity for Gender Equality and the Empowerment of Women.

3. Much of this support was related to the Special Committee's annual investigative mission to the region. In the light of Israel's continuing practice of non-cooperation with it, the Special Committee was not able to visit the West Bank, including East Jerusalem, during its investigations. However, the Special Committee carried out a mission to the occupied Palestinian territory, specifically the Gaza Strip, by crossing Egypt's border with Gaza. Meetings in the Gaza Strip took place from 14 to 17 July 2012 and included field visits throughout Gaza. The Special Committee convened meetings in Jordan from 11 to 13 July 2012 and in Egypt from

* The present report is being submitted late in order to allow maximum time for Member States, United Nations agencies, non-governmental organizations and human rights defenders to submit relevant information.

12-54364 (E) 171012

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18 to 19 July 2012. Owing to the situation in the Syrian Arab Republic, the Special Committee engaged with interlocutors in the occupied Syrian Golan by way of teleconference. During its mission, the Special Committee collected testimony and information from 66 victims, witnesses, officials and representatives of organizations working to document and prevent violations of human rights and international humanitarian law in the occupied territories. This testimony is recorded in the Special Committee's report, to be transmitted by the Secretary-General to the General Assembly at its sixty-seventh session.

**Department of Public Information**

4. Pursuant to paragraph 8 (d) of resolution 66/76, the following activities were undertaken by the Department of Public Information.

5. The Department of Public Information continued to ensure that news and information about the activities of the Special Committee were disseminated widely and in a timely manner. The Special Committee's meetings and statements were covered by press releases in English and French, all issued within hours of the conclusion of a meeting or the release of a statement.

6. The English and French versions of the United Nations News Centre website provided coverage of the activities of the Special Committee during the reporting period. Articles were posted online, e-mailed to more than 40,000 subscribers and further disseminated on Facebook, Twitter and through RSS feeds to media aggregators around the world.

7. United Nations Radio, which is available in all six official languages as well as in Kiswahili and Portuguese, provided regular coverage of issues and events associated with the Special Committee. This included reports and feature stories about the Israeli blockade of the Gaza Strip, the activities of Special Rapporteurs visiting the region, and the overall economic, social and human rights conditions of people living in the occupied Palestinian territory.

8. United Nations Television and Video produced a video on women's economic development in the occupied Palestinian territory that aired as part of the *UN in Action* series and was distributed to 60 international broadcasters. United Nations Television and Video also completed filming on a story on youth empowerment in the occupied Palestinian territory that will be broadcast as part of its news magazine programme *21st Century*, as well as part of the *UN in Action* series, and distributed to more than 80 broadcasters.

United Nations A/67/512

General Assembly

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**Sixty-seventh session**
Agenda item 8
**General debate**

## Letter dated 10 October 2012 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the President of the General Assembly

I have the honour to enclose herewith the text of the written statement of the delegation of the Islamic Republic of Iran in exercise of its right of reply to the remarks made by Cristina Fernández de Kirchner, President of Argentina, on 25 September 2012 during the general debate of the sixty-seventh session of the General Assembly (see annex).

I would highly appreciate it if you could have the present letter and its annex circulated as a document of the General Assembly under agenda item 8.

(*Signed*) Mohammad **Khazaee**
Ambassador
Permanent Representative

12-54446 (E) 151012

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## Annex to the letter dated 10 October 2012 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the President of the General Assembly

## Statement of the delegation of the Islamic Republic of Iran in exercise of its right of reply to the remarks made by the President of Argentina on 25 September 2012 in the general debate of the General Assembly at its sixty-seventh session

On Tuesday, 25 September 2012, in her address to the General Assembly, Cristina Kirchner, President of the Republic of Argentina, made some remarks with reference to the Islamic Republic of Iran. In regard to those remarks and with due reference to my letter dated 28 September 2010 to the President of the General Assembly (A/65/495), the following position is recalled:

> The Islamic Republic of Iran is a victim of terrorism and its many nationals and officials have suffered from the scourge of terrorism. Among other things, this painful experience has been a main drive for Iran to persist in its position to condemn all acts of terrorism in all its forms and manifestations, and to spare no effort to fight against terrorism by all legitimate means. The Islamic Republic of Iran has from the outset condemned the 1994 bombing in Buenos Aires, known as the AMIA [Asociación Mutual Israelita Argentina] case, and has sympathized with its victims and families.

The Government of the Islamic Republic of Iran has already offered its readiness to cooperate with the Argentine Government within the framework of law in order to discover the truth and bring the criminals to justice and thus lessen the sorrows of the victims' families. Iran welcomes the positive reply of Argentina to its proposed initiative, resulting in the holding of bilateral negotiations between the foreign ministers in New York on 27 September 2012. Iran is confident that, with resolute determination and effective measures in the right path, truth will be uncovered and those actual perpetrators will be identified. This would certainly serve the justice which is in the interests of all parties.

United Nations A/67/513

General Assembly

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12 October 2012
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**Sixty-seventh session**
Agenda item 45
**Question of the Falkland Islands (Malvinas)**

## Letter dated 5 October 2012 from the Chargé d'affaires a.i. of the Permanent Mission of Argentina to the United Nations addressed to the Secretary-General

On instructions from my Government, I have the honour to transmit herewith a letter from the Minister for Foreign Affairs and Worship of Argentina condemning the forthcoming conduct of unilateral military activities, including the launching of missiles from the Malvinas Islands, which the United Kingdom of Great Britain and Northern Ireland plans to conduct between 8 and 19 October 2012 (see annex).

I should be grateful if you would have this letter and its annex circulated as a document of the General Assembly under agenda item 45, concerning the question of the Malvinas Islands.

(*Signed*) Mateo **Estrémé**
Minister
Chargé d'affaires a.i.

12-54690 (E) 161012 171012

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## Annex to the letter dated 5 October 2012 from the Chargé d'affaires a.i. of the Permanent Mission of Argentina to the United Nations addressed to the Secretary-General

5 October 2012

I have the honour to write to you concerning an issue which seriously affects the situation of peace in the South Atlantic, which is once again altered by the forthcoming conduct of British military exercises, including the firing of missiles from the Malvinas Islands, scheduled to take place between 8 and 19 October 2012.

Following the military exercises conducted last July, the Argentine Government regrets and strongly denounces this new hostile attitude of the United Kingdom, which constitutes a persistent provocation that contributes to the consolidation and growth of its military presence in the South Atlantic, which has been the subject of unanimous repudiation by the countries of the region in many declarations by the Southern Common Market (MERCOSUR), the Union of South American Nations (UNASUR) and the recent South American and Arab Countries Summit.

The Government of Argentina finds these repeated British actions inadmissible; through demonstrations of force, they evidence the United Kingdom's disdain for the pronouncements of the international community aimed at putting an end, in a peaceful and definitive manner, to the sovereignty dispute between the two countries on the question of the Malvinas Islands.

The Argentine Government strongly supports your renewed good offices efforts, which are especially relevant in view of these British attitudes of overt hostility, and encourages you to continue your efforts in accordance with the mandate assigned to you by the General Assembly.

These repeated British military exercises in the South Atlantic underline the urgent and compelling need for the United Kingdom to assume its responsibilities as a Member of the United Nations and to agree to negotiation as a means of peacefully achieving a settlement of this controversy, thus acting in conformity with the provisions of the Charter of the United Nations and the relevant resolutions on the question of the Malvinas Islands.

Argentina once again reiterates its permanent and constant willingness to negotiate, in accordance with United Nations provisions, and requests that this letter be circulated as a document of the General Assembly.

(*Signed*) Hector **Timerman**
Minister for Foreign Affairs and Worship